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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,473	09/17/2001	Paul W. Forney	213307	7771
23460 7590 04/29/2010 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731				
EXAMINER				
PITARO, RYAN F				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
04/29/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Chgpatent@leydig.com

Office Action Summary

Application No.

09/955,473

Applicant(s)

FORNEY ET AL.

Examiner

RYAN F. PITARO

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 have been examined.

Response to Amendment

2. This communication is responsive to the request filed 11/13/2009.
3. Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3,5,6,8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al ("Khan", US2002/0046254) in view of Wewalaarachchi et al ("Wewalaarachchi", US 6571140) in further view of Burd et al ("Burd", US 6,990,653).

As per claim independent claim 1, Khan teaches a customer-configurable plant process observation portal server for collecting plant process information, in accordance with a user designated set of information sources, and for disseminating the information to users via network connections, the portal server comprising: an extensible

information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server ([0077]-[0079]); a portal server data interface, accessible via remote networked stations, providing user access to plant information associated with the set of designated plant information sources ([0086] lines 1-12); and a portal configuration utility enabling a user to at least designate a new plant information source via a configuration interface, the new plant information source thereafter being added to the extensible set of plant information sources ([0005] lines 1-5, [0078] lines 1-12).

Khan fails to distinctly point out the system utilizing plan process information. However, Wewalaarachchi teaches a plan process (Column 1 lines 24-37, lines 63-67). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Wewalaarachchi with the system of Kahn. Motivation to do so would have been to provide diverse way to control a real time system.

Khan-Wewalaarachchi fails to distinctly point out a data access subsystem. However, Burd teaches a data access subsystem, interposed between the portal server data interface and the information sources, and wherein data from the information source is stored within the data access subsystem prior to forwarding to portal users via the portal server data interface (Column 5 lines 26-53).

27

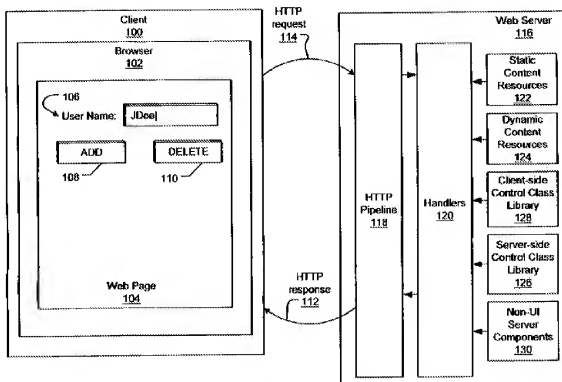


FIG. 1

Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Burd with the system of Khan-Wewalaarachchi-Burd.

Motivation to do so would have been to allow for rapid generation of control objects and more efficiently handle event processing and setting of attributes to specific objects.

As per claim 2, which is dependent on claim 1, Khan-Wewalaarachchi-Burd teaches a system wherein the portal configuration utility further enables a user to designate a manner in which data from sources of information is visually depicted on a

user interface rendered by the portal server for a particular portal site (Kahn, [0085] lines 1-16).

As per claim 3, which is dependent on claim 1, Khan-Wewalaarachchi-Burd teaches a system wherein the portal server comprises at least one association with an Internet portal site from which data received from plant information sources is accessed by users ([0093] lines 1-6).

As per claim 5, which is dependent on claim 1, Khan-Wewalaarachchi-Burd teaches a system wherein the portal configuration utility further enables a user to designate a new data handler to be added to an extensible set of data handlers that process information of particular types provided by the extensible set of plant information sources (Wewalaarachchi, Column 7 lines 41-54).

As per claim 6, which is dependent on claim 1, Khan-Wewalaarachchi-Burd teaches a system wherein the portal configuration utility includes computer program instructions for rendering a configuration template prompting a user to provide information associated with the new plant information source comprises a Web page, and the portal configuration utility is accessible by a browser (Khan, [0079] lines 3-19).

Claim 8 is similar in scope to that of claim 5 and is therefore rejected under similar rationale.

Claim 9 is similar in scope to that of claim 2 and is therefore rejected under similar rationale.

Claims 10,11 are individually similar in scope to that of claim 1 and are therefore rejected under similar rationale.

As per claim 12, which is dependent on claim 1, Khan-Wewalaarachchi-Burd teaches a system further comprising a plurality of data handlers that process information of particular types provided by the extensible set of plant sources (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 13, which is dependent on claim 12, Khan-Wewalaarachchi-Burd teaches a system wherein the plurality of data handlers comprises a process history database handler (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 14, which is dependent on claim 12, Khan-Wewalaarachchi-Burd teaches a system wherein the plurality of data handlers comprises an alarm handler (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 15, which is dependent on claim 12, Khan-Wewalaarachchi-Burd teaches a system wherein the plurality of data handlers comprises a data exchange protocol specific handler (Wewalaarachchi, Column 7 lines 4-20).

As per claim 16, which is dependent on claim 12, Khan-Wewalaarachchi-Burd teaches a system wherein the extensible source registry facilitates storing plant information provided by multiple controllers, thereby facilitating accessing data generated by multiple controllers via a single physical node on a process control network (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

Claim 17 is similar in scope to that of claim 13 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to that of claim 14 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to that of claim 15 and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 16 and is therefore rejected under similar rationale.

6. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al ("Khan", US2002/0046254) and Wewalaarachchi et al ("Wewalaarachchi", US 6571140) and Burd et al ("Burd", US 6,990,653) in view of Polizzi et al ("Polizzi", US2002/0052954).

As per claim 4, which is dependent on claim 1, Khan-Wewalaarachchi-Burd fails to distinctly point out a network being an intranet. However, Polizzi teaches a system wherein the portal server comprises at least one association with an intranet portal site from which data received from plant information sources is accessed by users ([0007] lines 7-9). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Polizzi with the system of Khan-Wewalaarachchi-Burd. Motivation to do so would have been to provide a more secure way of providing a portal.

As per claim 7, which is dependent on claim 6, Khan-Wewalaarachchi-Burd-Polizzi teaches a system wherein the configuration template wherein the portal configuration utility includes computer program instructions for rendering a configuration template prompting a user to provide information associated with the new plant

information source comprises a Web page, and the portal configuration utility is accessible by a browser (Polizzi, abstract lines 18-21).

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan F Pitaro/
Primary Examiner, Art Unit 2174